
STATUTORY INSTRUMENTS

2000 No. 3343 (C. 110)

**ELECTRICITY
GAS**

**The Utilities Act 2000 (Commencement No.
4 and Transitional Provisions) Order 2000**

Made - - - - 19th December 2000

The Secretary of State, in exercise of the powers conferred on him by section 110(2) and (3) of the Utilities Act 2000⁽¹⁾, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Utilities Act 2000 (Commencement No. 4 and Transitional Provisions) Order 2000.

(2) In this Order—

“the Act” means the Utilities Act 2000;

“the Electricity Act” means the Electricity Act 1989⁽²⁾; and

“the Gas Act” means the Gas Act 1986⁽³⁾.

(3) In this Order (save where the context otherwise requires) references to sections and Schedules are references to sections of and Schedules to the Act.

Provisions of the Act commenced by this Order

2. Subject to articles 3 to 15, 20th December 2000 is the appointed day for the coming into force of the provisions of the Act listed in the first column of the Schedule to this Order for the purposes set out in the second column.

Transitional provisions

3. In section 5(2)(a) the requirement that the Authority’s annual report for each year include a general survey of developments in competition between persons engaged in, or in commercial activities connected with, the generation, transmission, distribution or supply of electricity shall be

(1) 2000 c. 27.

(2) 1989 c. 29.

(3) 1986 c. 44.

modified by the omission of “, distribution” in the case of any annual report relating to a financial year during which section 28(2) is not at any time in force.

4.—(1) Until the appointed day for the coming into force of section 28(2) the following provisions shall apply.

(2) In section 3A of the Electricity Act (which section 13 substitutes for section 3(4) of that Act) there is omitted—

- (a) in subsections (1) and (5) “, distribution” in all places where this occurs; and
- (b) in subsection (5) “, distribute”.

(3) In section 3C of the Electricity Act (which section 15 inserts into that Act) “, distribution” is omitted in subsection (5).

5. Until the appointed day for the coming into force of section 81(2), in section 4AA of the Gas Act (which section 9 substitutes for section 4(5) of that Act) there is omitted in subsection (2)(b) “or the Utilities Act 2000”.

6. Until the appointed day for the coming into force of section 33(1), in section 3A of the Electricity Act (which section 13 substitutes for section 3 of that Act) there is omitted in subsection (2)(b) “or the Utilities Act 2000”.

7. Until the appointed day for the coming into force for all remaining purposes of section 51(2) and Schedule 4, Schedule 6 to the Electricity Act (as that Schedule had effect on the passing of the Act) shall continue to have effect as if section 51(2) had not come into force.

8.—(1) Until the appointed day for the coming into force for all remaining purposes of section 51(2) and Schedule 4 the following provisions shall apply.

(2) Paragraph 3(1) and (6) to (10) of the Schedule to be substituted for Schedule 6 of the Electricity Act by Schedule 4 shall have effect as follows—

- (a) as if they were inserted into the Electricity Act as a new Schedule 6A and not in substitution of Schedule 6 of the Electricity Act (as that Schedule had effect on the passing of the Act);
- (b) for “electricity supplier” in each place where it appears there is substituted “public electricity supplier”;
- (c) in sub-paragraph (1) after “any premises” there is inserted “which were, immediately before he began to supply, supplied by a public electricity supplier or the holder of a licence under section 6(2) of this Act whose licence has been revoked in accordance with its conditions”;
- (d) in sub-paragraph (1) after “otherwise than” there is inserted “to a person as a tariff customer (within the meaning of section 22(4) of this Act) or”;
- (e) in sub-paragraphs (6) and (7) “or (2)” shall be deleted;
- (f) in sub-paragraph (9) “(subject to 7B)” shall be deleted.

9.—(1) Until the appointed day for the coming into force of section 54(2) (which inserts section 39A of the Electricity Act into that Act) there is omitted from section 27A(1)(b) of the Electricity Act (which section 59(1) inserts into that Act) “or 39A”.

(4) Section 3 of the Electricity Act was amended by the Environment Act 1995 (c. 25), section 120, Schedule 22, paragraph 38 and by the Competition Act 1998 (c. 41), section 54(2) and Schedule 10, paragraph 4(3).

(5) Section 4 of the Gas Act was substituted for section 4 as originally enacted by the Gas Act 1995 (c. 45), section 1 and was amended by the Competition Act 1998, section 54(2) and Schedule 10, paragraph 3(3).

(2) Until the appointed day for the coming into force of section 90(2) (which inserts section 33AA of the Gas Act into that Act) there is omitted from section 30A(1)(b) of the Gas Act (which section 95(1) inserts into that Act) “or 33AA”.

10.—(1) In the case of any continuing exercise by the Authority of either the functions assigned to it by section 36A(6) of the Gas Act or functions which it exercises concurrently with the Director General of Fair Trading by virtue of section 43(3)(7) of the Electricity Act—

- (a) the Authority shall exercise its functions as if, notwithstanding any provisions of the Act, sections 4 and 4A(8) in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced; and
- (b) section 4B(3) of the Gas Act (which section 12 inserts into that Act) and section 3D(4) of the Electricity Act (which section 16 inserts into that Act) shall have no effect.

(2) For the purposes of this article “continuing exercise” means any exercise of the functions described in paragraph (1) which has been commenced but not determined before 20th December 2000.

11.—(1) In the case of any continuing modification reference made to the Competition Commission under section 24(9) of the Gas Act or section 12(10) of the Electricity Act the Competition Commission shall exercise its functions under sections 24 and 25(11) of the Gas Act or sections 12 and 13(12) of the Electricity Act in respect of the investigation of and report on that reference and the Authority shall exercise its functions in respect of the receipt of any report on that reference (under section 25 of the Gas Act or section 13 of the Electricity Act) and any modification of the conditions of any licence following such a report (where such modification is made pursuant to section 26(13) of the Gas Act or section 14(14) of the Electricity Act) as if, notwithstanding any provisions of the Act, sections 4 and 4A of the Gas Act and section 3 of the Electricity Act had not been replaced.

(2) For the purposes of this article a “continuing modification reference” means one which has been made to the Competition Commission before 20th December 2000 but on which either the Commission has not reported before 20th December 2000 or, the Commission having reported, the Director General of Gas Supply or Director General of Electricity Supply has not before 20th December 2000 concluded the exercise of his functions under section 26 of the Gas Act (in the case of the Director General of Gas Supply) or section 14 of the Electricity Act (in the case of the Director General of Electricity Supply).

12.—(1) In the case of any continuing application which is either a request for the revocation of a licence or has been made under sections 7B(1)(15) or 8AA(16) of the Gas Act or section 6(3) of the Electricity Act, the Secretary of State and the Authority shall exercise their functions in respect

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- (6) Section 36A of the Gas Act was inserted by the Gas Act 1995, Schedule 3, paragraph 43 and amended by the Competition Act 1998, section 54(2), Schedule 10, paragraph 3, Schedule 14, Part I and by S.I. 1999/506, article 20(b).
 - (7) Section 43(3) of the Electricity Act was substituted for subsection (3) as originally enacted by the Competition Act 1998, section 54(2) and Schedule 10, paragraph 4(5).
 - (8) Section 4A of the Gas Act was inserted by the Gas Act 1995, section 2.
 - (9) Section 24 of the Gas Act was amended by the Gas Act 1995, Schedule 3, paragraph 22, by the Competition Act 1998, Schedule 10, paragraph 10 and by S.I. 1999/506, article 20.
 - (10) Section 12 of the Electricity Act was amended by the Competition Act 1998, Schedule 10, paragraph 12 and by S.I. 1999/506, article 24.
 - (11) Section 25 of the Gas Act was amended by the Gas Act 1995, Schedule 3, paragraph 23, by the Competition Act 1998, Schedule 10, paragraph 10, Schedule 14, Part I and by S.I. 1999/506, article 20.
 - (12) Section 13 of the Electricity Act was amended by the Competition Act 1998, Schedule 10, paragraph 12, Schedule 14, Part I and by S.I. 1999/506, article 24.
 - (13) Section 26 of the Gas Act was amended by the Gas Act 1995, Schedule 3, paragraph 24 and by S.I. 1999/506, article 20.
 - (14) Section 14 of the Electricity Act was amended by S.I. 1999/506, article 24.
 - (15) Section 7B of the Gas Act was inserted by the Gas Act 1995, section 7.
 - (16) Section 8AA of the Gas Act was inserted by the Gas Act 1995, Schedule 3, paragraph 1.

of such an application as if, notwithstanding any provisions of the Act, sections 4 and 4A in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced.

(2) For the purposes of this article, a “continuing application” means one which has been made but not determined before 20th December 2000.

13.—(1) In the case of any continuing proposal which has been made under either sections 23(17) or 29(1)(a) of the Gas Act or sections 11 or 26(1)(a) of the Electricity Act, the Authority shall exercise its functions in respect of such a proposal as if, notwithstanding any provisions of the Act, sections 4 and 4A in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced.

(2) For the purposes of this article a “continuing proposal” means one which has been made but not determined before 20th December 2000.

14.—(1) In the case of any continuing dispute which has been referred under section 27A(18) of the Gas Act to the Director General of Gas Supply, the Authority (which for the purposes of this article includes any arbitrator or arbiter appointed pursuant to section 27A(1)(b) of the Gas Act) shall exercise its functions in respect of such a dispute as if, notwithstanding any provisions of the Act, sections 4 and 4A of the Gas Act had not been replaced.

(2) For the purposes of this article “continuing dispute” means one which has been referred to the Director General of Gas Supply but not determined before 20th December 2000.

15.—(1) In the case of any outstanding request which has been made (in the case of the Gas Act) in accordance with a licence condition imposed under section 7B of that Act either to the Director General of Gas Supply or the Secretary of State for a determination of such questions arising under the licence, or under any document specified or described in the licence, as are specified in the licence or are of a description so specified or for designation, acceptance or approval by the said Director General or Secretary of State or (in the case of the Electricity Act) in accordance with a licence condition imposed under section 7 of that Act to the Director General of Electricity Supply for a determination of such questions arising under the licence as are specified in the licence or are of a description so specified or for approval by the said Director General of such things falling to be done under the licence, and such contracts or agreements made before the grant of the licence as are specified in the licence or are of a description so specified, the Authority or, as the case may be, the Secretary of State shall exercise its functions in the case of such a request as if, notwithstanding any provisions of the Act, sections 4 and 4A in the case of the Gas Act and section 3 in the case of the Electricity Act had not been replaced.

(2) For the purposes of this article “outstanding request” means one which has been made to the Secretary of State, the Director General of Gas Supply, or the Director General of Electricity Supply but not determined before 20th December 2000.

Helen Liddell,
Minister for Energy and Competitiveness in
Europe,
Department of Trade and Industry

19th December 2000

(17) Section 23 of the Gas Act was substituted for section 23 as originally enacted by the Gas Act 1995, Schedule 3, paragraph 21.
(18) Section 27A of the Gas Act was inserted by the Gas Act 1995, Schedule 3, paragraph 26.

SCHEDULE

Article 2

PROVISIONS OF THE UTILITIES ACT 2000
COMING INTO FORCE ON 20TH DECEMBER 2000

<i>Provisions of the Act</i>	<i>Purpose</i>
Section 3(1) and (2) (transfer to the Authority of the functions of the Director General of Gas Supply and the Director General of Electricity Supply)	For all purposes
Section 4 (forward work programmes)	For all remaining purposes
Section 5 (annual and other reports of the Authority)—	
subsections (1) to (9)	For all purposes
subsection (10)	For all purposes save in respect of paragraph 29 of Schedule 7
Section 6 (publication of advice and information about consumer matters)	For all purposes
Section 7 (co-operation between the Authority and the Council)	For all purposes
Section 8 (payments by licence holders relating to new arrangements)	For all purposes
Section 9 (objectives and duties under the 1986 Act)	For all purposes
Section 10 (guidance on social and environmental matters in relation to gas)	For all purposes
Section 11 (health and safety in relation to gas)	For all purposes
Section 12 (exceptions from the general duties under the 1986 Act)	For all purposes
Section 13 (objectives and duties under the 1989 Act)	For all purposes
Section 14 (guidance on social and environmental matters in relation to electricity)	For all purposes
Section 15 (health and safety in relation to electricity)	For all purposes
Section 16 (exceptions from the general duties under the 1989 Act)	For all purposes
Section 18(5) and (6) (acquisition and review of information by the Council)	For all purposes
Section 19(4)(b) (provision of advice and information by the Council to public authorities and other persons)	For all purposes

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provisions of the Act</i>	<i>Purpose</i>
Section 21(4)(b) (power for the Council to publish advice and information about consumer matters)	For all purposes
Section 24 (provision of information to the Council)—	
subsections (1) to (3)	For all remaining purposes
subsection (4)	For all purposes
Section 25 (publication of notice of reasons)	For all purposes
Section 26 (provision of information by the Council to the Authority)	For all purposes
Section 27(2) (regulations relating to provision of information under sections 24 to 26)	For all remaining purposes
Section 28(3)(a) (the definition of “distribute”)	For the purpose of defining a “distribution system” where that term is used in Parts I and II of the Act
Section 32 (electricity licence conditions)—	
subsection (1)	For the purpose of section 32(2)
subsection (2)	For all purposes
Section 51(2) (the electricity code)	For the purpose of inserting into the Electricity Act paragraph 3(1) and (6) to (10) of the Schedule to be substituted for Schedule 6 to that Act
Section 59(1) (financial penalties)	For the purposes of enabling the Secretary of State to make an order determining turnover and enabling the Authority to consult upon, prepare and publish a statement of policy with respect to the imposition of penalties and the determination of their amount
Section 74 (gas licence conditions)—	
subsection (1)	For the purpose of section 74(3)
subsection (3)	For all purposes
Section 95(1) (financial penalties)	For the purposes of enabling the Secretary of State to make an order determining turnover and enabling the Authority to consult upon, prepare and publish a statement of policy with respect to the imposition of penalties and the determination of their amount
Section 100 (exercise of powers to make regulations)	For all purposes
Section 105(8)(b) (general restrictions on the disclosure of information)	For all purposes

<i>Provisions of the Act</i>	<i>Purpose</i>
Section 108 (amendments, transitional provisions and repeals)	For the purpose of the provisions of Schedules 6, 7 and 8 brought into force
Schedule 4 (Schedule to be substituted for Schedule 6 to the Electricity Act)	For the purpose of inserting into the Electricity Act paragraph 3(1) and (6) to (10) of the Schedule to be substituted for Schedule 6 to that Act
In Schedule 6 (minor and consequential amendments)—	
paragraph 1	For the purpose of the entries in Part I of Schedule 6 referred to in this Order
paragraph 8(1)	For the purpose of the entry in paragraph 8(3) of Schedule 6
paragraph 8(3)	For all purposes
paragraph 11	For all purposes
paragraph 17	For all purposes
paragraph 22(a)	For all purposes
paragraph 24	For the purpose of the entries in Part II of Schedule 6 referred to in this Order
paragraph 25	For all purposes
paragraph 27	For all purposes
paragraph 29	For all purposes
paragraph 40(a)	For all purposes
In Schedule 7, paragraph 27 (transitional provisions and savings)	For all purposes
In Schedule 8 (repeals) the entries relating to the—	
Gas Act 1986, section 39	For all purposes save in respect of paragraph 29 of Schedule 7
Electricity Act 1989, section 50	For all purposes save in respect of paragraph 29 of Schedule 7

EXPLANATORY NOTE

(This note is not part of the Order)

This is the fourth Commencement Order made under the Utilities Act 2000 (“the Act”).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Article 2 of the Order brings into force on 20th December 2000 those provisions of the Act listed in the Schedule to the Order for the purposes specified therein. These provisions relate principally to the functions of the Gas and Electricity Markets Authority (“the Authority”), which came into being on 1st November 2000, and its objectives and duties under the Gas Act 1986 (c. 44) (“the Gas Act”) and the Electricity Act 1989 (c. 29) (“the Electricity Act”).

Article 2 commences section 3(1) of the Act which transfers to the Authority the functions of the Director General of Gas Supply under the Gas Act and the Director General of Electricity Supply under the Electricity Act.

Article 2 also commences sections 9 to 16 of the Act which lay down the principal objective of the Secretary of State and the Authority under the Gas Act and the Electricity Act. They are required to carry out their respective functions under the two Acts in the manner which they consider best calculated to further the principal objective, having regard to certain specified matters and interests. These sections also provide for guidance on social and environmental matters and consultation on health and safety issues.

Further, article 2 also commences, with transitional modifications, certain provisions of Schedule 4 to the Act. These provisions, which are for a transitional period to be incorporated into the Electricity Act as Schedule 6A, provide for deemed contracts to exist in certain instances where there is neither an express contract nor a tariff arrangement.

Article 2 also commences for certain purposes sections 59(1) (which inserts provisions into the Electricity Act) and 95(1) (which inserts provisions into the Gas Act) of the Act, thereby enabling the Authority to consult upon and to prepare and publish a statement of policy with respect to the imposition of financial penalties and the determination of their amount and the Secretary of State to make an order determining turnover and ultimately for financial penalties to be imposed.

Further, certain minor, consequential and transitional provisions and repeals are commenced by article 2.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Utilities Act 2000 have been brought into force by commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 1(1), (2) and (4)	1.11.2000	2000/2917
Section 2—		
subsections (1), (2) and (4)	1.11.2000	2000/2917
subsection (3)	7.11.2000	2000/2974
Section 3—		
subsections (3) to (5) and (8)	1.11.2000	2000/2917
subsections (6) and (7)	7.11.2000	2000/2974
Section 4 (partially)	7.11.2000	2000/2974
Section 17	7.11.2000	2000/2974
Section 18(1) to (4) and (7)	7.11.2000	2000/2974

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 19(1) to (3), (4)(a), (5) and (6)	7.11.2000	2000/2974
Section 20—		
subsections (1) to (4)	7.11.2000	2000/2974
subsections (5) and (6) (partially)	7.11.2000	2000/2974
Section 21(1) to (3), (4)(a) and (5)	7.11.2000	2000/2974
Section 22	7.11.2000	2000/2974
Section 23	7.11.2000	2000/2974
Section 24(1) to (3) (partially)	7.11.2000	2000/2974
Section 27—		
(partially)	29.9.2000	2000/2412
subsections (1) and (3) to (7) (for all remaining purposes)	7.11.2000	2000/2974
Section 28(3)(a) (partially)	7.11.2000	2000/2974
Section 66	21.11.2000	2000/2412
Section 67	29.9.2000	2000/2412
Section 105 (except section 105(8)(b))	7.11.2000	2000/2974
Section 106	29.9.2000	2000/2412
Section 107	29.9.2000	2000/2412
Section 109	29.9.2000	2000/2412
Schedule 1	1.11.2000	2000/2917
Schedule 2—		
paragraphs 1 to 9 and 15 to 17	1.11.2000	2000/2917
paragraphs 10 to 14	7.11.2000	2000/2974
Schedule 3	1.11.2000	2000/2917
Schedule 6—		
paragraph 1 (partially)	7.11.2000	2000/2974
paragraph 5	7.11.2000	2000/2974
paragraph 12(f)	7.11.2000	2000/2974
paragraph 15	7.11.2000	2000/2974
paragraph 19(a) (partially)	7.11.2000	2000/2974

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
paragraph 22(b)	7.11.2000	2000/2974
paragraph 24 (partially)	7.11.2000	2000/2974
paragraph 28 (partially)	7.11.2000	2000/2974
paragraph 35	7.11.2000	2000/2974
paragraph 38(2) (partially)	7.11.2000	2000/2974
paragraph 40(b)	7.11.2000	2000/2974
paragraphs 42 to 44	1.11.2000	2000/2917
paragraph 45— (partially)	1.11.2000	2000/2917
(for all remaining purposes)	7.11.2000	2000/2974
Schedule 7—		
paragraphs 24 and 25	7.11.2000	2000/2974
paragraph 26	1.11.2000	2000/2917
paragraphs 28 and 30 to 32	7.11.2000	2000/2974
Schedule 8, the entries relating to—		
Parliamentary Commissioner Act 1967 (c. 13)	7.11.2000	2000/2974
Chronically Sick and Disabled Persons Act 1970(c. 44)	7.11.2000	2000/2974
House of Commons Disqualification Act 1975 (c. 24) (partially)	7.11.2000	2000/2974
Northern Ireland Assembly Disqualification Act 1975 (c. 25) (partially)	7.11.2000	2000/2974
Gas Act 1986 (c. 44) (partially)	7.11.2000	2000/2974
Electricity Act 1989 (c. 29) (partially)	7.11.2000	2000/2974